

Appl. No.: 10/772,690
Amdt. dated 10/07/2005
Reply to Office action of 7/07/2005

REMARKS/ARGUMENTS

Rejections under USC 102 and 103

All pending claims have been rejected over several publications considered individually. Specifically, Claims 1-5 and 9-11 have been rejected as being anticipated by Liao X, Z et al., and Claims 1, 6, 10, and 11 have been rejected as being anticipated by Lee et al. Claims 7 and 8 have been separately rejected as being unpatentable over Liao or Lee.

The present application is a divisional application of U.S. Patent Application Serial No. 10/263,135, which was filed October 2, 2002. As such, the present application is entitled to the October 2, 2002 priority date. Therefore, Liao cannot be considered prior art under 35 USC 102(b) and, at most is allegedly prior art under 102(a) like Lee.

Liao was previously cited during prosecution of U.S. Patent Application Serial No. 10/263,135, which is the parent of the present Application. In response, Applicants submitted a Declaration of inventors Daniel E. Matejczyk and Thomas J. Van Damm under 37 C.F.R. §1.131, a copy of which is enclosed for your review. The Declaration and supporting exhibits demonstrate that the claimed invention was conceived and reduced to practice prior to the publication dates of the Liao and Lee references. It is respectfully submitted that the Liao and Lee publications are not prior art with respect to the claims of the instant application, and it is requested that the pending rejections, all of which are based wholly or in-part upon the Liao or Lee publications, be withdrawn. Accordingly, pending Claims 1-11 are patentable over the cited references.

Consideration Of Previously Submitted Information Disclosure Statement

It is noted that an initialed copy of the PTO Form 1449 that was submitted with Applicants' Information Disclosure Statement filed February 5, 2004 has not been returned to Applicants' representative with the Office Action. Accordingly, it is requested that an initialed copy of the Form 1449 be forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, a copy of the Information Disclosure Statement and the Form 1449 are attached hereto. Copies of the cited references were provided at the time of filing the original Information Disclosure Statement, and, therefore, no

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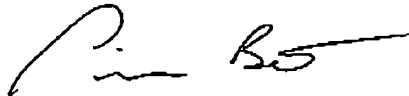
additional copies of the references are submitted herewith. Applicants will be pleased to provide additional copies of the references upon the Examiner's request if it proves difficult to locate the original references.

Conclusion

It is respectfully submitted that all pending Claims 1-11 are in condition for immediate allowance and an early notification of the allowability of these claims is earnestly solicited. If any matters remain to be resolved, the Examiner is urged to contact the undersigned attorney by telephone at 704-444-1185 to expedite prosecution of this application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

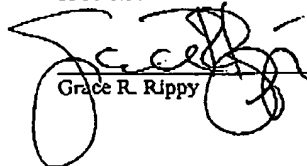


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.


Grace R. Rippey

October 7, 2005
Date